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10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 UNITED STATES OF AMERICA,

Case No. 14-CR-0388-MMA

14 Plaintiff,

**UNITED STATES' RESPONSE IN  
OPPOSITION TO DEFENDANT  
AZANO'S MOTION TO MODIFY  
CONDITIONS OF RELEASE**

15 v.

Date: February 24, 2015

16 JOSE SUSUMO AZANO MATSURA

Time: 1:30 p.m.

(1),

17 Defendant.

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22 Defendant Jose Susumo Azano (“Azano”) petitions, once again, to modify  
23 his conditions of pretrial release. But his brief, filed late yesterday afternoon, provides no  
24 basis for the proposed modification. Instead, he merely disputes the strength of the  
25 evidence against him. For several reasons, his contentions have no merit.  
26  
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1       First, Azano contends that this case “no longer resembles” the case initially  
 2 proffered against him. In fact, it does. The Superseding Indictment describes  
 3 approximately \$600,000 in illegal campaign financing by Azano. Indeed, by simply  
 4 referring to Count Three, and adding up the six unlawful contributions on pp. 12-13,  
 5 those contributions total \$598,000. [See Docket No. 42 (Superseding Indictment, Count  
 6 3).]<sup>1</sup> And Azano’s brief ignores, altogether, the felony firearm charge against him. [Id.  
 7 Count 26.]

8       Second, the weight of the evidence is the least important factor in a bail hearing.  
 9 United States v. Hir, 517 F.3d 1081, 1090 (9th Cir. 2008). Here, however, the evidence  
 10 has only grown *stronger* since Azano’s initial detention hearing. Since that time, two of  
 11 Azano’s coconspirators have pled guilty to conspiring with him to violate campaign  
 12 finance laws, explicitly affirming that Azano agreed to knowingly and willfully make  
 13 foreign national contributions. Azano’s claim that he could potentially impeach  
 14 witnesses against him at his future trial is a remarkably insufficient basis for cutting his  
 15 bail.

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24<sup>1</sup>       The United States does not know why Azano represents that the Superseding  
 25 Indictment alleges \$450,000 in illegal campaign financing. But even \$450,000 in illegal  
 26 campaign financing is staggering, historical, and 18 times greater than the felony  
 threshold of \$25,000 in a calendar year.

Third, Azano contends that the United States has not presented motive evidence. But motive is not an element of any charge against him and need not be alleged in the indictment. While Azano had ample motive to commit his offenses, the point is inapposite to bail.

Respectfully submitted,

WILLIAM P. COLE  
Attorney for the United States,  
Acting under Authority Conferred  
By 28 U.S.C. § 515

Dated: February 24, 2015

/s Robert S. Huie  
**ROBERT S. HUIE**  
Assistant U.S. Attorney

# UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

JOSE SUSUMO AZANO MATSURA  
(1),

## Defendants.

Case No. 14-CR-0388-MMA

## **CERTIFICATE OF SERVICE**

**IT IS HEREBY CERTIFIED that:**

I am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of the **UNITED STATES' RESPONSE IN OPPOSITION TO DEFENDANT AZANO'S MOTION TO MODIFY CONDITIONS OF RELEASE** on the parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies their counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2015.

/s/ Robert S. Huie  
**ROBERT S. HUIE**  
Assistant United States Attorney